

# PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on October 29, 2001  
[Approved on November 19, 2001]

Prepared By: Terry Wood

Meeting Location: WERO, Springfield, MA.

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1. **Call to Order:** Co-chair Debra Stake called the meeting to 12:00 p.m. Also present were Gail Batchelder, Janine Commerford, Lawrence Feldman, Kirk Franklin, Robert Luhrs, and Deborah Phillips. Staff members present were Allan Fierce, Brian Quinlan, Robert Ritchie, and Terry Wood. Also present were Evan Johnson, Bob Brackett and Wesley Stimpson, members of the LSP Association; Tom Potter, Maria Pinaud, Catherine Wanat, Gail Eckert, J. Lyn Cutler, Baffour Kyei, Alan Weinberg, and Tom Keefe of DEP.
  2. **Announcements:** Ms. Stake announced that today's agenda would be revised to add review of a reconsideration request regarding previously dismissed complaints 01C-008 and 01C-009.
  3. **Previous Minutes:** The draft minutes of the meeting held on September 26, 2001 were approved with one minor edit.
  4. **Old Business:**
    - A. **Status of Complaint Review Teams**

At Ms. Stake's request, the chair of each CRT reported on progress made during the last month.

## B. Status of Admonition Project

Ms. Pinaud stated that the admonition project as it is currently structured required a great deal of the Department's time to put together the admonition requests and the Department would not be forwarding additional groups of requests for admonition to the LSP Board. Ms. Pinaud stated that DEP would like the LSP Board to keep the admonition tool. She added that DEP would send requests for admonitions to the Board in the future as appropriate but the Department will not send bunches of requests to the Board on any regular basis. Mr. Luhrs asked Ms. Pinaud if DEP had another means to attain the goal the Department had sought to accomplish through the admonition process. Ms. Pinaud stated that the Department would try to reach that goal in other ways such as through the audit course for LSPs. Mr. Feldman pointed out that, even though the pilot admonition project would not continue, that the process had been useful and had helped the

Board to come up with a new disciplinary tool.

Mr. Fierce asked Ms. Pinaud whether DEP would be issuing more NONs against LSPs because the Department would not be seeking admonitions on a regular basis. Ms. Pinaud stated that DEP would continue to issue NONs to LSPs for some issues but that these issues would not be the same ones DEP would include in an admonition request. Ms. Pinaud added that DEP would continue to issue NONs to LSPs for issues such as doing work without DEP approvals and exceeding approvals.

Mr. Feldman then asked the Committee how the outstanding admonition requests should be handled. Mr. Luhrs suggested that the Committee discuss the outstanding requests individually during a quasi-judicial session. The consensus of the Committee was that the individual requests would be discussed at a quasi-judicial session following the Committee meeting later in the day.

**5. New Business:**

**A. Proposed CRT Investigation Procedure Policies**

After review of the proposed policies, a motion was made and seconded to accept the CRT investigation procedure policies.

**B. Reconsideration of Complaints 01C-008 and 01C-009**

The Committee took a short break to review the reconsideration letter that had just been received from the private complainant who had filed the recently-dismissed complaints 01C-008 and 01C-009. These two complaints, involving two separate LSPs, alleged that the LSPs had participated in an unauthorized Release Abatement Measure ("RAM"). Last month, the Committee dismissed both complaints for lack of sufficient evidence that the LSPs were involved in the RAM activities. The private complainant submitted a letter asking the Committee to reconsider its dismissal of the complaints and asserting that additional information indicated the LSPs' involvement. The Board voted to grant the request for reconsideration of the Board's previous decision. After discussion regarding the information provided in the reconsideration request, a motion was made and seconded to uphold the Committee's previous decision dismissing the complaints. No Committee members opposed the motion.

**6. Future Meeting:** The Committee agreed to meet on November 19 at Raytheon in Lexington at 12:30 p.m. The Committee also agreed to meet on December 19 at CERO in Worcester at 12:30 p.m.

7. **Adjournment:** The meeting was adjourned at approximately 12:55 p.m.